

IN THE DRAWINGS:

In Figure 12, numeral 100 has been added to denote the rotary cell sample collector, numeral 102 has been added to depict an upper plate, numeral 104 has been added to depict a lower plate, numeral 106 has been added to depict a stepping motor, numeral 108 has been added to depict the feed line from the reactor, numeral 110 has been added to depict medium storage syringe, and numeral 112 has been added to depict a fixative storage syringe; the following text has been deleted from the drawings: line to waste bag, medium storage syringe, fixative storage syringe, stepping motor, fixative storage syringe, medium storage syringe, lower plate, upper plate, and feed line from the reactor.

In Figure 13, numeral 100 has been added to denote the rotary cell sample collector, numeral 102 has been added to depict an upper plate, numeral 104 has been added to depict a lower plate, numeral 106 has been added to depict a stepping motor, numeral 108 has been added to depict the feed line from the reactor, numeral 110 has been added to depict medium storage syringe, and numeral 112 has been added to depict a fixative storage syringe; the following text has been deleted from the drawings: line to waste bag, medium storage syringe, fixative storage syringe, stepping motor, fixative storage syringe, medium storage syringe, lower plate, upper plate, and feed line from the reactor.

REMARKS

Applicants' respectfully request reexamination and reconsideration of the application in view of the following remarks.

Claims 1-3, 8 and 27 have been canceled; claims 4-7, 9-17, 19-21, 24, 26, 28-29, and 31-36 have been amended; and new claim 37 has been added to the application.

Applicants appreciate the Examiner's entry of the request for continued examination and withdrawal of the final office action pursuant to 37 CFR §1.114.

Applicants acknowledge the Examiner's comments concerning joint inventors.

Applicant appreciates the Examiner's comments regarding allowance of claims 6, 7, and 14 because the prior art of record fails to teach or fairly suggest the combination of the elements recited in these claims with a sampling system as recited in claims 6, 7, and 14 wherein the sampling system includes a plurality of sample retaining chambers and filters with a rotary inlet port and wherein the sampling system is capable of collecting cells on the filter, fixing the cells, and storing the cells.

The Examiner objected to claims 8-17, 19, 20, and 24 due to informalities.

Applicant respectfully requests that the Examiner withdraw the objection in view of Applicants' amendment of the claims in accordance with the Examiner's comments

The Examiner has rejected claim 4-25 under 35 USC §112 as being indefinite in that the original specification did not include both a "sealed compartment for sample-collection agents providing a level of chemical containment for safety" and a "rotary sample collector in fluid communication with said reactor vessel".

Applicant respectfully requests that the Examiner withdraw the rejection in view of Applicants' amendment of the claim.

The Examiner has rejected claims 4-36 under 35 USC §112 as being indefinite.

Applicant respectfully requests that the Examiner withdraw the rejection in view of Applicants' amendments of the claim taking into consideration the Examiner's comments.

The Examiner has rejected claims 4, 5, 8-12, 15-19, 27-30 and 33-35 under 35 USC §103(a) as being unpatentable over Knazek et al. (WO 90/02171) in view of Goffe (US 5,882,918).

Applicants respectfully requests that the Examiner withdraw the rejection in view of the amendment to the claims and the following remarks.

Applicant has amended claim 4 to claim the combination of the elements recited in these claims with a sampling system including a plurality of sample retaining chambers and filters with a rotary inlet port and wherein the sampling system is capable of collecting cells.

The Examiner has rejected claim 13 under 35 USC §103)(a) as being unpatentable over Knazek et al. (WO 90/02171) in view of Goffe (US 5,882,918) taken further in view of Pickering (US4,161,172).

Applicants respectfully requests that the Examiner withdraw the rejection in view of the amendment to the claims and the following remarks.

Claim 13 depends from claim 4 which as now amended includes features not taught in any of the prior art devices.

The Examiner has rejected claim 20 under 35 USC §103)(a) as being unpatentable over

Knazek et al. (WO 90/02171) in view of Goffe (US 5,882,918) taken further in view of Schwarz et al. (US 5,437,998) and Greenberger et al. (US 6,008,010).

Applicants respectfully requests that the Examiner withdraw the rejection in view of the amendment to the claims and the following remarks.

Applicant's claimed camera and microscope system includes features not taught or suggested by the cited references such as the ability to view the contents of the reactor via oblique lighting and/or cells through a microscopic slide using backlighting and the ability to take photos of either.

The Examiner has rejected claims 21-26 under 35 USC §103)(a) as being unpatentable over Knazek et al. (WO 90/02171) in view of Goffe (US 5,882,918) taken further in view of Schwarz et al. (US 5,437,998) and Greenberger et al. (US 6,008,010), taken further in view of Akashi (JP 03-160980).

Applicants respectfully requests that the Examiner withdraw the rejection in view of the amendment to the claims and the following remarks.

The Examiner has listed several references alleging that they show Applicants' claimed invention, yet the Examiner still must claim that several features not taught by the multitude of references cited are obvious to one skilled in the art. Applicants assert that the use of a multitude of references which still do not show all of the features of Applicants' claims strengthens Applicants' position that the claims are nonobvious, especially when combined with Applicants' independent claims as now amended.

The Examiner has rejected claims 31-32 under 35 USC §103)(a) as being unpatentable over Knazek et al. (WO 90/02171) in view of Goffe (US 5,882,918) taken further in view of Kearney (US 5,424,209).

Applicants respectfully requests that the Examiner withdraw the rejection in view of the amendment to the claims and the following remarks.

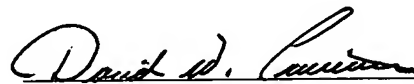
Claims 31 and 32 now depend from independent claim 26 which incorporates the features of Applicants' invention deemed novel by the Examiner as set forth in at least one of the claims deemed allowable from the group including claims 6, 7, and 14. Therefor, Applicants assert claims 31 and 32 are also allowable.

For all of the foregoing reasons, Applicant submits that the claims are patentable over the cited references and that the application is in condition for allowance. Accordingly, Applicant respectfully requests prompt reconsideration and receipt of the formal Notice of Allowance.

Applicant calculates that no additional fees should be due for the additional independent and dependent claims. The fees for the petition for the extension of time is enclosed herewith. Please charge any underpayment or credit any overpayment to counsel's Deposit Account No. 50-0642.

If the Examiner believes there are other unresolved issues in this case, Applicant's attorney would appreciate a telephone call at (502) 452-1233 to discuss any such remaining issues.

Respectfully submitted,



David W. Carrithers
CARRITHERS LAW OFFICE, PLLC
One Paragon Centre
6060 Dutchman's Lane, Suite 140
Louisville, KY 40205
Telephone (502) 452-1233
Reg. No. 35,475



ANNOTATED SHEET

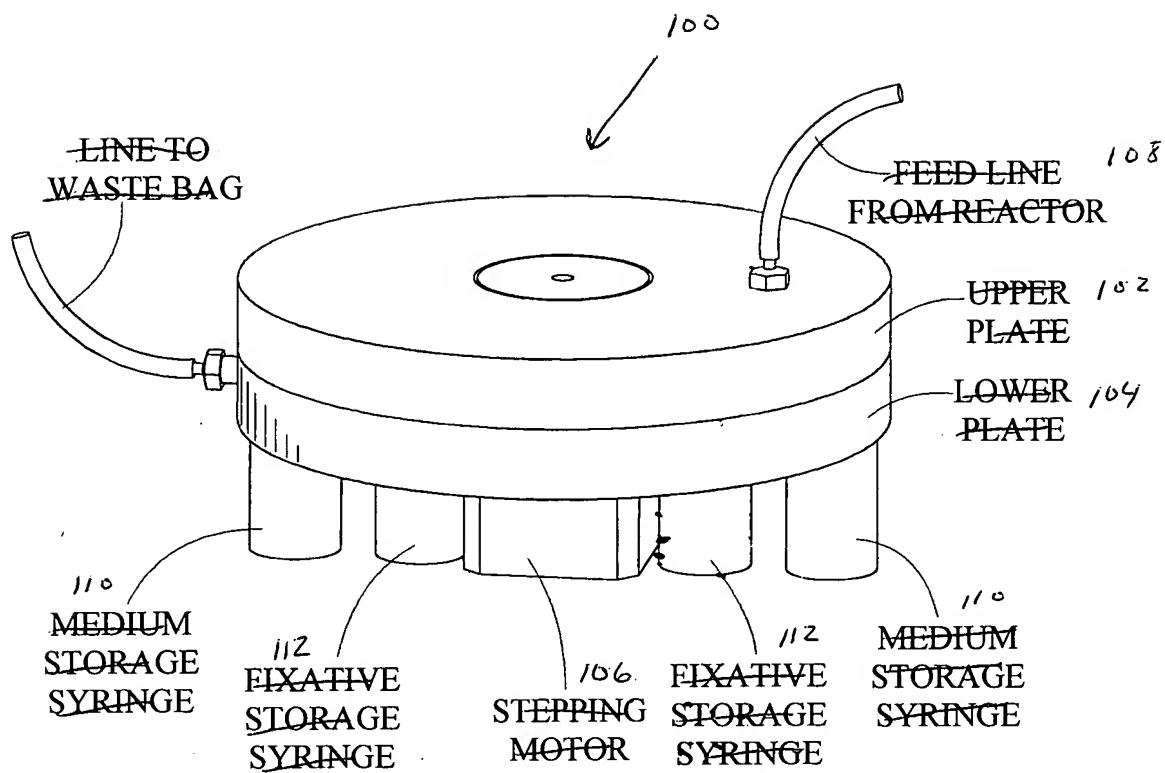


FIG. 12



ANNOTATED SHEET

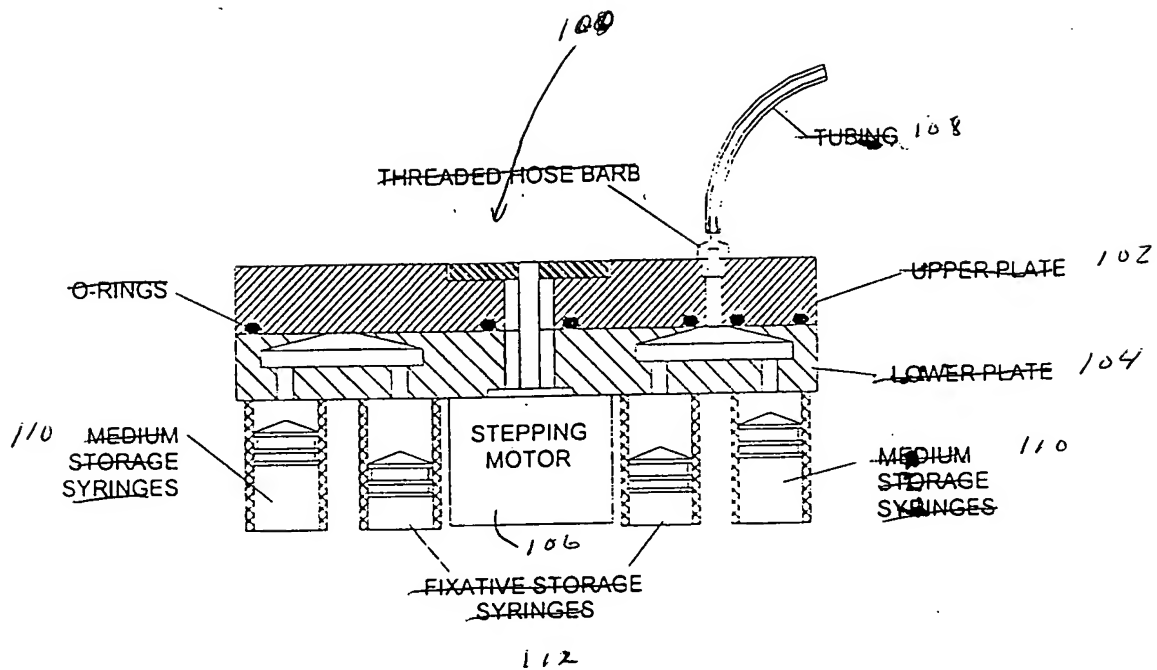


Figure 13